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that a certain amount of extra tax should be collected on the sale of certain articles. When we re-examined the provisions of this Act, we found that there was some lacuna. It is not clear from the provisions of the existing legislation whether cloth made out of cotton yarn and yarn from any other material should be made liable to the additional tax or should be exempt from the payment of this additional tax. The idea underlying the legislation we have passed is that only cloth made wholly of cotton should be exempt from the additional tax, and that cloth made out of a mixture of cotton yarn and yarn from any other material like silk, wool, etc., should not be exempt from taxation. This Bill only clarifies this point and does not introduce any new principle or any new idea.

" With regard to giving of assent by the President to the legislation already passed, we will abide by whatever the President decides. On that score, the passing of a Bill need not be delayed."

Clauses 2 and 1 and the Preamble were put and carried.

The Hon. Sri M. A. MANICKAVELU NAICKER :—" Sir, I move—

' *That the Madras General Sales Tax (Third Amendment) Bill, 1954, be passed into law.*' "

Mr. SPEAKER :—" The question is—

' That the Madras General Sales Tax (Third Amendment) Bill, 1954, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(2) THE MAPPILLA MARUMAKKATTAYAM (AMENDMENT) BILL, 1954.

The Hon. Sri C. SUBRAMANIAM :—" Mr. Speaker, Sir, I beg leave to introduce the Mappilla Marumakkattayam (Amendment) Bill [a], 1954, and move—

' *That the Bill be taken into consideration at once.*'

" Sir, when the Malabar Tenancy (Amendment) Act, 1951, amending certain sections of the Nambudri Act, 1932, the Marumakkattayam Act, 1932, and the Aliyasantana Act, 1949, was passed, a similar section in the Mappilla Marumakkattayam Act, 1939, was not rectified, and this Bill has been brought forward to rectify that omission. It is only an extension of the principles already accepted. I hope the House will accept this Bill."

Mr. SPEAKER :—" Motion moved—

' That the Mappila Marumakkattayam (Amendment) Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.

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[a] Published in the *Fort St. George Gazette*, dated 1st December 1954.

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Clause 2.

* Sri P. S. KRISHNASAMY AYYANGAR :—" Sir, I beg to move the following amendment :—

'*In the proposed section* 8 (1), omit *the words* " *for consideration* " *occurring in line* 5.'

" Clause 2 of the Bill which seeks to substitute a new section for section 8 of the Mappilla Marumakkattayam Act, 1939, deals with three kinds of transfers—sale, mortgage and lease. There can be no sale without consideration. There can be no mortgage without consideration and there can also be no lease without consideration. Therefore, if we speak of a sale or a mortgage or a lease, such transactions should necessarily be supported by consideration and there cannot be transfers of any such category without consideration. One who knows the rudiments of law will laugh at us if we fail to omit the words ' for consideration ' in the proposed section 8 (1) of clause (2) of the Bill. The lawyer circles outside the House will have a very low opinion about the lawyer members of this House. I wish to repeat that there cannot be a sale without consideration, a mortgage without consideration and a lease without consideration, and that all categories of these transfers ought to be supported by consideration. A transfer of ownership without consideration will be a gift and will not be a sale. Similarly, a mortgage is a transfer of some interests in the property as security for repayment of money advanced or to be advanced, and even here there should be some consideration. Even in the case of leases, there should be a promise to pay a particular lease amount. All these three categories of transfers should be supported by consideration and there is no meaning in saying ' a sale for consideration, a mortgage for consideration or a lease for consideration.' Therefore I suggest that the words ' for consideration ' be omitted."

The amendment was duly seconded.

The Hon. Sri C. SUBRAMANIAM :—" Sir, we have adopted only the wording already found in the other two Acts. I do not think we can now change the terminology in respect of other provisions of the law covered by the amending Act and so it will have to stand as it is. As a matter of fact, there could be sales without consideration, just as *benami* sales and evidently that is what is referred to by the words ' for consideration '. Though it may be redundant, I do not think there is anything wrong in having the expression. Further, having adopted a certain terminology in respect of the other two Acts, we cannot make a change here. I am opposing the amendment, Sir." 12-20 p.m.

* Sri P. S KRISHNASAMY AYYANGAR :—" This Bill is different and not in any way connected with those Acts. If a ridiculous thing could be avoided, it may be done. No doubt the

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expression is found in the other Acts. But when we become conscious of a mistake, cannot that mistake be rectified and should that mistake be allowed to continue? If that cannot be done, I have only to thank my stars. I shall withdraw my amendment."

The amendment was, by leave, withdrawn.

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM :—" I beg to move—

'*That the Mappilla Marumakkatayam (Amendment) Bill, 1954, be passed into law.*' "

MR. SPEAKER :—" The question is—

'That the Mappilla Marumakkattayam (Amendment) Bill, 1954, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

IV.—GOVERNMENT MOTION.

MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES *re* CHANGE IN THE ORDER OF BUSINESS.

THE HON. SRI C. SUBRAMANIAM :—" I beg to move—

'*That under rule* 22 (3) *of the Madras Assembly Rules, the order of business of the House may be changed and that the Madras Cinemas (Regulation) Bill*, 1954, *be taken up later on.*' "

The motion was put and carried.

III.—GOVERNMENT BILLS—*cont.*

(3) THE MOTOR VEHICLES (MADRAS AMENDMENT) BILL, 1954.

* THE HON. SRI B. PARAMESWARAN :—" Sir, I beg to introduce the Motor Vehicles (Madras Amendment) Bill[a], 1954, and move—

'*That the Bill be taken into consideration at once.*'

" Sir, in moving the Bill I would like to state the Objects and Reasons of this Bill. Section 64-A of the Motor Vehicles Act, 1939, vests in the Government powers of revision over orders passed by Transport Authorities in the State. In actual practice, parties file applications before Government in all sorts of trivial cases. The time, labour and inconvenience involved in the Government themselves exercising the statutory power of revision are very considerable and experience has shown that it is not necessary that this function should be performed at Government level. Government have, therefore, decided to repeal the section. Government,

[a] Published in the *Fort St. George Gazette* Extraordinary, dated 4th December 1954.